



VIA EMAIL: FCARegistry-CAFGreffe@cas-satj.gc.ca

May 14, 2021

The Judicial Administrator
Federal Court of Appeal
90 Sparks Street, 1st Floor
Ottawa, Ontario
K1A 0H9

Dear Sir/Madam:

Re: *Air Passenger Rights v Canadian Transportation Agency*
Court File No.: A-102-20

The Agency writes in response to the Applicant's letter intended for Justice Gleason, dated May 12, 2021.

By way of that letter, the Applicant has requested leave to introduce a further affidavit in relation to its motion under rules 41 and 318 of the *Federal Courts Rules*, SOR/98-106. This marks the second time the Applicant has sought to bring information to the Court's attention after pleadings have closed; the Applicant previously wrote to the Court on April 15, 2021 to submit additional jurisprudence.

If given the opportunity, the Agency would file a response to address the propriety of seeking to add to the record by way of informal letter rather than by way of motion. The Agency would also address the relevance and necessity of the information sought to be added. Accordingly, should this Court consider accepting the letter and further affidavit, the Agency requests direction with respect to whether it may have an opportunity to respond.

We trust the foregoing is satisfactory.

Sincerely,

Barbara Cuber
Senior Counsel
Canadian Transportation Agency
Legal Services Directorate
15 Rue Eddy, 19th Floor
Gatineau, Québec J8X 4B3
Tel: 613-301-8322
Email: barbara.cuber@otc-cta.gc.ca
Email: Servicesjuridiques/LegalServicesOTC/CTA@otc-cta.gc.ca

Ottawa (Ontario) K1A 0N9
www.otc.gc.ca

Ottawa Ontario K1A 0N9
www.cta.gc.ca

c.c.: Simon Lin, Counsel for the Applicant,
via email: simonlin@evolinklaw.com

c.c.: Air Passenger Rights, Applicant, via email: lukacs@airpassengerrights.ca

c.c.: Sandy Graham, Counsel for the Attorney General of Canada,
via email: sandy.graham@justice.gc.ca